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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,076	08/02/2000	Steven Paul Hasmanis	COX 1484-007	8156
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STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			EXAMINER SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/631,076	Applicant(s) HASMANIS ET AL.	
	Examiner Simon Sing	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to because of the following: The limitation "said event data" in line 2 lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-10, 12-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton US 5,345,501 in view of Lewis et al. US 4,852,154.

2.1 Regarding claim 1, Shelton discloses a system for processing a customer telephone orders in figure 1. Shelton's system comprises:

a switch 10 for receiving calls, including a calling number and a called number (column 3, lines 54-65; column 6, lines 17-22);

a voice response unit 20 for providing recorded voice response with multiple applications (column 3, lines 60-68; column 4, lines 1-9);

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a computer 30 (data storage component) for storing customer identification information(inherently including account number and telephone number), and data on available inventory, or video event (column 4, lines 9-18; column 6, lines 17-22);

memory areas 24 and 26 (temporary data container) in computer 22 (figure 2) for storing predetermined prompting messages and customer identification information downloaded from host computer 30 (column 4, lines 9-18);

wherein said system is configured to retrieve customer data based on a personal identification number (PIN) (column 4, lines 52-66), or the calling number (column 6, lines 17-22; column 2, lines 54-61), and to store customer identification information in memory 26 for subsequent call processing applications (column 4, lines 9-18),; and

wherein said system is configure to send customer account number and said called number to said automatic voice response unit and wherein a called number based application retrieves one or more video events from said data storage component using said called number (column 4, lines 52-68, column 5, lines 1-4).

Shelton teaches a customer orders a video event and the video event is transmitted to the customer via telephone cable (pay-per-view) (column 6, lines 23-33). Shelton fails to teach that his system is a conventional cable television system.

However, Lewis discloses a pay-per-view cable television (CATV) system in figure 1, comprising a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with

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customers (column 6, lines 48-59), wherein each called telephone number is uniquely identifies a selected television event and the customer is only charged for the selected television event (Abstract; column 3, lines 40-53; column 5, lines 44-53).

Therefore, since a coaxial cable had a wider frequency bandwidth, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shelton's reference with the teaching of Lewis, so that the Shelton's system would have applied to cable television event orderings, such that a called number would have uniquely identified a specific television event, or a multiple events for a customer to choose, because such modification would have enabled the modified Shelton's system to send video signals via a coaxial cable instead of a telephone cable to provide better video signal quality and hence better pictures.

2.2 Regarding claim 2, the modified Shelton reference, teaches downloading video program to a customer is pay-per-view (Shelton, column 6, lines 23-33; Lewis, column 3, lines 46-53).

2.3 Regarding claim 3, as discussed in claim 1, a pay-per-view television event is selected by calling a specific called number, or by a selection from a menu.

2.4 Regarding claim 5, the modified Shelton reference, teaches that switch 10 routes (based on called numbers) incoming calls to a multi-line hunt group (column 3, lines 60-65), and each called number can uniquely identify a television event. Since each called

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number identifies an event, the computer 30 of a cable company (Lewis, figure 1) inherently has a table correlates called numbers with television events.

2.5 Regarding claim 6, Shelton teaches storing customer information in memory area 26 and called number based application (recorded prompts) in memory area 24 (column 4, lines 9-18).

2.6 Regarding claim 7, Shelton teaches various data transmitted between switch 10 and voice response unit 20 (column 5, lines 5-18).

2.7 Regarding claim 8, Shelton teaches that the switch 10 is located in a telephone company's central office, and it is inherent that the switch is connected to a live operator for assisting a calling party (such as directory lookup, collect call, and service information etc.).

2.8 Regarding claim 9, Shelton teaches that the customer identification information is retrieved prior to engaging automatic voice response application (column 4, lines 52-66).

2.9 Regarding claim 10, a customer account inherently includes credit information, such as late payments and/or delinquent account.

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2.10. Regarding claim 12, Shelton teaches that the voice response unit 20 (VRU 20) comprises a called number based video on demand application (the VRU 20 is assigned with at least one called number), a menu based pay-per-view application (column 5, lines 38-61), and a routing application for retrieve customer identification information from host computer 30 (column 4, lines 9-18).

2.11 Regarding claim 13, the modified Shelton reference, teaches how to process a call, including prompting a customer for PIN (column 4, lines 52-57; column 5, lines 5-18, 38-61), and as discussed in claim 1, each called number identifies an event, the computer 30 of a cable company (Lewis, figure 1) inherently has a table correlates called numbers with television events, and the voice response unit also confirms orders placed by customers based on the called number (Shelton, column 5, lines 5-18; Lewis, column 7, lines 6-11).

2.12 Regarding claim 14, Shelton discloses a method for processing telephone orders in figure 1. Shelton teaches:

receiving a call at switch 10 (column 3, lines 60-65);

obtaining a calling number (column 6, lines 17-22; column 2, lines 54-61), and a called number (column 3, lines 60-65);

retrieving customer data from a host computer 30 (database) based on the called number (column 5, lines 17-22; column 2, lines 54-61; column 4, lines 9-18);

storing retrieved customer data in memory area 26 (temporary storage location) (figure 2) for use during said call (column 4, lines 9-18); and

running a voice response application (voice response unit 20 is assigned with at least one telephone number, column 3, lines 60-65) for video on demand (pay-per-view) (column 5, lines 5-18, 38-61; column 6, lines 23-33), wherein voice response application further comprises the step of retrieving event data from said data base based on said call number (column 4, lines 9-18, 52-57).

Shelton teaches a customer orders a video event and the video event is transmitted to the customer via telephone cable (pay-per-view) (column 6, lines 23-33). Shelton fails to teach that his system is a conventional cable television system.

However, Lewis discloses for pay-per-view cable television (CATV) ordering. Lewis teaches a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a cable television system computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) for interacting with customers (column 6, lines 48-59), wherein each called telephone number is uniquely identifies a selected television event and the customer is only charged for the selected television event (pay-per-view) (Abstract; column 3, lines 40-53; column 5, lines 44-53).

Therefore, since a coaxial cable had a wider frequency bandwidth, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shelton's reference with the teaching of Lewis, so that the Shelton's system

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would have applied to cable television event orderings, such that a called number would have uniquely identified a specific television event, or a multiple events for a customer to choose, because such modification would have enabled the modified Shelton's system to send video signals via a coaxial cable instead of a telephone cable to provide better video signal quality and hence better pictures.

2.13 Regarding claim 16, the modified Shelton reference, teaches receiving a personal identification number (PIN) (column 4, lines 52-57) and as discussed in claim 1, the called number uniquely identifies a television event.

2.14 Regarding claim 17, Shelton discloses a method for processing video orders over telephone in figure 1. Shelton teaches:

- receiving a call at switch 10 (column 3, lines 60-65);

- obtaining a calling number (column 6, lines 17-22; column 2, lines 54-61), and a called number (column 3, lines 60-65);

- retrieving customer data from a host computer 30 (database) based on the called number (column 5, lines 17-22; column 2, lines 54-61; column 4, lines 9-18);

- storing retrieved customer data in memory area 26 (temporary storage location) (figure 2) for use during said call (column 4, lines 9-18);

- determining which call control transfer process to run based on reference to a parameter based on called number (column 3, lines 60-68; column 4, lines 1-9); and

starting a voice response application (voice response unit 20 is assigned with at least one telephone number, column 3, lines 60-65) for video on demand (pay-per-view) (column 5, lines 5-18, 38-61; column 6, lines 23-33), wherein voice response application further comprises the step of retrieving event data from said data base based on said call number (column 4, lines 9-18, 52-57; column 5, lines 5-18, 38-61).

Shelton teaches a customer orders a video event and the video event is transmitted to the customer via telephone cable (pay-per-view) (column 6, lines 23-33). Shelton fails to teach that his system is a conventional cable television system.

However, Lewis discloses for pay-per-view cable television (CATV) ordering. Lewis teaches a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a cable television system computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) for interacting with customers (column 6, lines 48-59), wherein each called telephone number is uniquely identifies a selected television event and the customer is only charged for the selected television event (pay-per-view) (Abstract; column 3, lines 40-53; column 5, lines 44-53).

Therefore, since a coaxial cable had a wider frequency bandwidth, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shelton's reference with the teaching of Lewis, so that the Shelton's system would have applied to cable television event orderings, such that a called number would have uniquely identified a specific television event, or a multiple events for a customer

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to choose, because such modification would have enabled the modified Shelton's system to send video signals via a coaxial cable instead of a telephone cable to provide better video signal quality and hence better pictures.

2.15 Regarding claim 18, Shelton teaches receiving called number (column 3, lines 60-65) and PIN (personal identification number, which is related to an account number) (column 4, lines 52-57) from switch 10 to voice response unit via a hunt group 16 (data bridge).

2.16 Regarding claim 19, the modified Shelton reference, teaches that the voice response application for video ordering refers to data in memory area 26 for processing orders (column 4, lines 9-18, 52-68; column 5, lines 1-4).

2.17 Regarding claim 20, Shelton teaches validating a customer before processing control transfer (column 4, lines 9-18, 52-68; column 5, lines 1-4).

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton US 5,345,501 in view of Lewis et al. US 4,852,154 and further in view of Hendricks et al US 6,160,989.

The modified Shelton reference, teaches cable television event ordering system. Shelton further teaches retrieving customer information from a database, but fails to teach referring a customer to a live agent in case the customer has bad credit.

However, Hendricks discloses cable TV delivery system. Hendricks teaches that if a subscriber's account is delinquent (bad credit), then any order of new program or channels is denied, and the subscriber is referred to a live operator (agent) (column 33, lines 3-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Shelton's reference, which was modified by Lewis, with the teaching of Hendricks, so that orders from customers with bad credits would have been denied, and the customers would have been referred to a live operator for resolving payment questions, because such modification would have prevented loss of revenues (payments not collectable).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton US 5,345,501 in view of Lewis et al. US 4,852,154 and further in view of Stoel et al. US 5,905,942.

The modified Shelton reference, teaches using a PIN to identify a customer, but fails to teach the PIN includes a rating.

However, Stoel teaches a method for video distribution. Stoel teaches that a subscriber is required to enter PIN for PIN based rating of movies or PPV events (column 5, lines 41-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shelton's reference with the teaching of Stoel, so that the PIN would have included rating information, because such modification would have prevented minors to order adult programs.

Response to Arguments

5. Applicant's arguments filed on 08/25/2004 have been fully considered but they are not persuasive.

The applicants argues that in the current invention, a television event is automatically selected by the called number, since each event is associated with its own called number. However, this limitation is not recited in the claims. Claim 1 recites: "... a called number based application retrieves said event from said data storage components using said called number", and claims 14 and 17 recite: "retrieving a cable television event (or event data for claim 17) from said database based on said called number". Examiner cannot find the limitation: "each event is associated with its own called number" in the claims. Since Shelton teaches automatically retrieves one or more events from a database based on a called number (video vendor's number), Shelton teaches the claimed limitations. Furthermore, a called number uniquely identifies a particular event is notorious old and well known in the art. As an example,

US Patent number 4,852,154, issued to Lewis in 1989, clearly teaches this limitation (Abstract; column 3, lines 40-45; column 5, lines 49-51; column 6, line 68; column 6, line 1).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

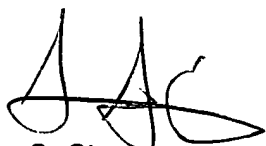
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S. Sing

02/25/2005



FAN TSANG
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